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Attorneys for Plaintiff Biogen Idec MA Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE BIOGEN '755 PATENT LITIGATION

Hon. Claire C. Cecchi

No. 10-cv-2734-CCC-JBC
(consolidated)

CONSENT ORDER AMENDING DISCOVERY SCHEDULE

THIS MATTER having been brought before the Court by Kevin H. Marino, Esq., of Marino, Tortorella & Boyle, P.C., attorneys for plaintiff, Biogen Idec MA Inc., on application for an Order amending the Scheduling Order; the Court having considered the application; all parties having consented; all parties agreeing that the following order does not moot defendants Bayer Healthcare Pharmaceuticals, Inc. and Novartis Pharmaceuticals Corp.'s pending appeals [ECF Nos. 351 and

359] of the Magistrate Judge's orders granting plaintiff's motion to amend the scheduling order [ECF No. 346] and denying Bayer and Novartis's motion for a stay [ECF No. 357] and that Bayer and Novartis do not waive any aspect of their challenge to the scheduling order or to the denial of a stay; and good cause having been shown;

IT IS on this 18th day of November, 2015,

ORDERED THAT:

I. Fact Discovery

1. The supplemental period of fact discovery as to certain issues ordered by the Court on July 7, 2015 [ECF No. 346], and September 10, 2015 [ECF No. 367], shall conclude on **December 11, 2015**.

2. Within **thirty (30) days** after the issuance of the Court's *Markman* decision, the parties shall exchange privilege logs.

3. Notwithstanding the close of fact discovery or expert discovery, should any party produce any advice of counsel pursuant to Local Patent Rule 3.8, the parties will have **sixty (60) days** following exchange of such production to conduct discovery related to such advice of counsel.


II. Expert Discovery

4. The parties that bear the burden of proof on the issues for which the expert is offered shall file their respective opening expert reports on or before

February 19, 2016. Biogen shall include its expert report(s) on objective indicia of non-obviousness in this opening round of reports.

5. The parties shall exchange their respective responsive expert reports, including responsive expert reports on objective indicia of non-obviousness, on or before **April 8, 2016.**

6. Expert discovery, including all deposition, shall conclude by **June 10, 2016.**


The Honorable James B. Clark, U.S.M.J.

WE CONSENT TO ENTRY OF THE FOREGOING ORDER:

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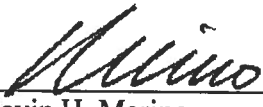
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